

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.
(n/k/a ANYWHERE REAL ESTATE, INC.),
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, HSF AFFILIATES, LLC,
RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.

Defendants.

Case No.: 4:19-cv-00332-SRB

**CONSENT MOTION FOR EXTENSION OF
TIME AND ENLARGEMENT OF PAGE LIMIT**

Plaintiffs respectfully request that the Court enter an order extending until March 8, 2024, the time to respond to Defendants HomeServices of America, Inc., BHH Affiliates, LLC, and HSF Affiliates, LLC's (collectively, the "**HomeServices Defendants**") and Defendant The National Association of Realtors' ("**NAR**") post-trial motions and for an enlargement of the page limits for Plaintiffs' responses, as detailed below. In support of this Motion, Plaintiffs state:

1. On November 13, 2023, the Court entered an Order setting a briefing schedule on post-trial motions. Doc. 1311.
2. Pursuant to the Order, the HomeServices Defendants and NAR filed their post-trial motions on January 8, 2024.¹ Plaintiffs' current deadline to respond to Defendants' post-trial

¹ The HomeServices Defendants and NAR were granted leave and filed additional post-trial motions on February 7, 2024 and February 9, 2024.

motions is February 26, 2024.

3. Plaintiffs respectfully request an extension of eleven days, up to and including March 8, 2024, to respond to Defendants' post-trial motions, specifically:

- a. The HomeServices Defendants' Renewed Motion for Judgment as a Matter of Law (Doc. 1349);
- b. Defendants' Motion to Decertify the Class (Doc. 1355);
- c. The HomeServices Defendants' Motion for a New Trial (Doc. 1357);
- d. Defendant The National Association of Realtors' Renewed Motion for Judgment as a Matter of Law (Doc. 1359);
- e. Defendant The National Association of Realtors' Motion for a New Trial (Doc. 1361);
- f. The HomeServices Defendants' Additional Motion for New Trial [1] (Doc. 1379);
- g. The HomeServices Defendants' Additional Renewed Motion for Judgment as a Matter of Law [1] (Doc. 1381);
- h. Defendant The National Association of Realtors' Additional Motion for New Trial (Doc. 1385); and
- i. Defendant The National Association of Realtors' Additional Renewed Motion for Judgment as a Matter of Law (Doc. 1387).

4. No prior extensions of these deadlines have been requested by Plaintiffs.

5. Under Local Rule 7.0(d), opposing suggestions may not exceed fifteen (15) pages, not including exhibits, signature blocks, statement of facts, table of contents, and tables of authorities, which are excluded from the page count.

6. Plaintiffs seek an enlargement of page limits for their oppositions to Defendants' post-trial motions, as follows:

- a. A total of twenty (20) pages for the Opposition to Defendants' Motion to Decertify the Class (Doc. 1355), not including exhibits, signature blocks, statement of facts, table of contents, and table of authorities, which are excluded from the page count pursuant to Local Rule 7.0(d);
- b. A total of ninety (90) pages for a combined opposition to The HomeServices Defendants' Renewed Motion for Judgment as a Matter of Law (Doc. 1349); Defendant The National Association of Realtors' Renewed Motion for Judgment as a Matter of Law (Doc. 1359); The HomeServices Defendants' Additional Renewed Motion for Judgment as a Matter of Law[1] (Doc. 1381); Defendant The National Association of Realtors' Additional Renewed Motion for Judgment as a Matter of Law (Doc. 1387) (collectively, "**Rule 50 Motions**"), not including exhibits, signature blocks, statement of facts, table of contents, and table of authorities, which are excluded from the page count pursuant to Local Rule 7.0(d); and
- c. A total of seventy-five (75) pages for a combined opposition to The HomeServices Defendants' Motion for a New Trial (Doc. 1357); Defendant The National Association of Realtors' Motion for a New Trial (Doc. 1361); The HomeServices Defendants' Additional Motion for New Trial[1] (Doc. 1379); Defendant The National Association of Realtors' Additional Motion for New Trial (Doc. 1385) (collectively, "**Rule 59 Motions**"), not including exhibits, signature blocks, statement of facts, table of contents, and table of

authorities, which are excluded from the page count pursuant to Local Rule 7.0(d).

7. Additional pages are warranted for Plaintiffs to provide an appropriate combined response to the arguments in Defendants' multiple post-trial motions.

8. Counsel for Plaintiffs consulted with counsel for Defendants, who do not oppose the requested extension of time and enlargement of page limits.

9. Counsel for Defendants requested that the time period for their Reply briefs be extended by twenty-two (22) days, or to April 9, 2024. Plaintiffs do not oppose that request.

10. This Motion is not filed for the purpose of delay or harassment and will not cause prejudice as the Motion is consented to by all parties.

WHEREFORE Plaintiffs request that this Court enter an Order granting Plaintiffs an extension of time up to and including March 8, 2024, to respond to The HomeServices Defendants' Renewed Motion for Judgment as a Matter of Law (Doc. 1349); Defendants' Motion to Decertify the Class (Doc. 1355); The HomeServices Defendants' Motion for a New Trial (Doc. 1357); Defendant The National Association of Realtors' Renewed Motion for Judgment as a Matter of Law (Doc. 1359); Defendant The National Association of Realtors' Motion for a New Trial (Doc. 1361); The HomeServices Defendants' Additional Motion for New Trial[1] (Doc. 1379); The HomeServices Defendants' Additional Renewed Motion for Judgment as a Matter of Law[1] (Doc. 1381); Defendant The National Association of Realtors' Additional Motion for New Trial (Doc. 1385); and Defendant The National Association of Realtors' Additional Renewed Motion for Judgment as a Matter of Law (Doc. 1387); for an enlargement of page limit up to twenty (20) pages for Plaintiff's opposition to Defendant's Motion to Decertify the Class; for an enlargement up to ninety (90) pages for Plaintiffs' combined opposition to Defendants' Rule 50 Motions; and

for an enlargement of page limit up to seventy-five (75) pages for Plaintiffs' combined opposition to Defendants' Rule 59 Motions. In addition, Plaintiffs do not oppose Defendants' request that their Reply briefs be filed on or before April 9, 2024.

Dated: February 20, 2024

Respectfully submitted by:

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/s/ Jeremy M. Suhr

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to counsel of record for this case.

/s/ Jeremy M. Suhr
Attorney for Plaintiffs